

APPEAL, REMAND

**United States District Court
District of Massachusetts (Boston)
CRIMINAL DOCKET FOR CASE #: 1:03-cr-10361-RWZ-3**

Case title: USA v. MELO et al

Date Filed: 12/03/2003

Date Terminated: 12/08/2005

Assigned to: Judge Rya W. Zobel

Appeals court case numbers: '06-1313' 'First Circuit', '06-1346' 'First Circuit', '06-1379' 'First Circuit'

Defendant (3)

Scott Fink

TERMINATED: 12/08/2005

represented by **Charles W. Rankin**

Rankin & Sultan

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: CJA Appointment

Pending Counts

21:846 Conspiracy to Distribute,
and to Possess with Intent to
Distribute Cocaine
(1)

Disposition

The defendant was sentenced to
120 months BOP; 8 years
SR; Standard Conditions apply;
DNA sample; drug counseling &
testing; mental health;
Recommendation: mental health
evaluation; 500 Hour Drug
Treatment program; 100.00 SA;

21:846 Conspiracy to Distribute,
and to Possess with Intent to
Distribute, Cocaine
(1s)

DISPOSED

21:841(a)(1) Possession with
Intent to Distribute and
Distribution of Cocaine
(2s)

DISPOSED

**Highest Offense Level
(Opening)**

Felony

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

None

Disposition

Plaintiff

USA

represented by **Jennifer Hay Zacks**
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Date Filed	#	Docket Text
12/03/2003	<u>16</u>	SEALED INDICTMENT as to JOHN MELO (1) count(s) 1, GREGORY WARREN (2) count(s) 1, Scott Fink (3) count(s) 1, Kevin Briggs (4) count(s) 1, Carla Paiva (5) count(s) 1, Tanya Pinheiro (6) count(s) 1. (Gawlik, Cathy) (Entered: 12/03/2003)
12/03/2003		Arrest Warrant Issued as to Scott Fink, Kevin Briggs, Carla Paiva, Tanya Pinheiro. (Gawlik, Cathy) (Entered: 12/03/2003)
12/03/2003		Judge Rya W. Zobel : ORDER entered ORDER REFERRING CASE to Magistrate Judge Lawrence P. Cohen Reason for referral: pretrial proceedings as to JOHN MELO, GREGORY WARREN, Scott Fink, Kevin Briggs, Carla Paiva, Tanya Pinheiro (Gawlik, Cathy) (Entered: 12/03/2003)
12/10/2003	<u>17</u>	MOTION to Unseal Case as to JOHN MELO, GREGORY WARREN, Scott Fink, Kevin Briggs, Carla Paiva, Tanya Pinheiro by USA. (Diskes, Sheila) (Entered: 12/10/2003)
12/10/2003		Judge Lawrence P. Cohen : Electronic ORDER entered granting 17 Motion to Unseal Case as to JOHN MELO (1), GREGORY WARREN (2), Scott Fink (3), Kevin Briggs (4), Carla Paiva (5), Tanya Pinheiro (6); granting 6 Motion for Leave to Appear as to GREGORY WARREN (2) (Diskes, Sheila) (Entered: 12/10/2003)
12/11/2003		Set/Reset Hearings as to JOHN MELO, GREGORY WARREN, Scott Fink, Kevin Briggs, Carla Paiva, Tanya Pinheiro : Arraignment set for 12/18/2003 02:30 PM in Courtroom 23 before Magistrate Judge Lawrence P. Cohen. (Cohen, Lawrence) (Entered: 12/11/2003)

12/18/2003	(28)	Judge Lawrence P. Cohen : Initial Scheduling Order entered as to JOHN MELO, GREGORY WARREN, Kevin Briggs, Carla Paiva, Tanya Pinheiro. Discovery request letters by 1/28/04; responses by 2/11/04; joint memorandum by 1/23/04. Initial Status Conference set for 1/28/2004 02:00 PM in Courtroom 23 before Magistrate Judge Lawrence P. Cohen. (Irwin, Nancy) Modified on 12/18/2003 (Irwin, Nancy). (Entered: 12/18/2003)
12/18/2003	(29)	Judge Lawrence P. Cohen : ORDER ON EXCLUDABLE DELAY as to JOHN MELO, GREGORY WARREN, Kevin Briggs, Carla Paiva, Tanya Pinheiro. Time excluded from 12/18/03 until 1/15/04. (Irwin, Nancy) (Entered: 12/18/2003)
01/05/2004		electronic Clerk's Notes for proceedings held before Judge Lawrence P. Cohen :Initial Appearance as to Scott Fink held on 1/5/2004. Scott Fink refused to answer bail questions on the advise of counsel. Detention hearing has been set for 1/8/04 at 3:30. (Tape #digital.) (Spada, Joseph) (Entered: 01/05/2004)
01/05/2004		Clerk's Notes for proceedings held before Judge Lawrence P. Cohen :Initial Appearance as to Scott Fink held on 1/5/2004 Please note...this event was re-entered to correct statistical error. (Catino, Theresa) (Entered: 01/07/2004)
01/08/2004		Electronic Clerk's Notes for proceedings held before Judge Lawrence P. Cohen :Arraignment and Detention Hearing as to Scott Fink (3) Count 1 held on 1/8/2004; AUSA Weinreb for the Govt. and Attorney Rankin for the Dft.; the Dft. pleads not guilty and will proceed with automatic discovery; 1st status conference is set for 1/28/04 @ 2:00pm.; Govt calls witness #1 (Joseph Realmuto) direct exam; cross exam and closing argument from the Govt. on issue of detention; USMJ Cohen takes matter uderadvisement. (Court Reporter D.R..) (Quinn, Thomas) (Entered: 01/08/2004)
01/15/2004	(34)	MOTION to re-schedule initial status conference to 1/27/04 at 2:30 as to JOHN MELO, GREGORY WARREN, Scott Fink, Kevin Briggs, Carla Paiva, Tanya Pinheiro by USA. (Johnson, Jay) (Entered: 01/22/2004)
01/21/2004	(33)	Judge Lawrence P. Cohen : ORDER entered ORDER OF DETENTION as to Scott Fink (Cohen, Lawrence) (Entered: 01/21/2004)
01/22/2004	(35)	Judge Lawrence P. Cohen : Electronic ORDER entered granting 34 Motion Rescheduling of Initial Status Conference as to

		JOHN MELO (1), GREGORY WARREN (2), Scott Fink (3), Kevin Briggs (4), Carla Paiva (5), Tanya Pinheiro (6); Initial Scheduling Conference rescheduled to January 27, 2004, at 2:30 p.m. (Cohen, Lawrence) (Entered: 01/22/2004)
01/22/2004		Reset Hearings as to JOHN MELO, GREGORY WARREN, Scott Fink, Kevin Briggs, Carla Paiva, Tanya Pinheiro : Status Conference set for 1/27/2004 02:30 PM in Courtroom 23 before Magistrate Judge Lawrence P. Cohen. (Cohen, Lawrence) (Entered: 01/22/2004)
01/23/2004	<u>36</u>	(Assented to) MOTION to Continue for 30-60 days initial status conference as to JOHN MELO, GREGORY WARREN, Scott Fink, Kevin Briggs, Carla Paiva, Tanya Pinheiro by USA. (Johnson, Jay) (Entered: 01/27/2004)
01/27/2004	<u>37</u>	Judge Lawrence P. Cohen : ORDER entered granting <u>36</u> Motion to Continue as to JOHN MELO (1), GREGORY WARREN (2), Scott Fink (3), Kevin Briggs (4), Carla Paiva (5), Tanya Pinheiro (6) (Cohen, Lawrence) (Entered: 01/27/2004)
01/27/2004	<u>38</u>	Judge Lawrence P. Cohen : ORDER entered ORDER ON EXCLUDABLE DELAY as to JOHN MELO, GREGORY WARREN, Scott Fink, Kevin Briggs, Carla Paiva, Tanya Pinheiro Time excluded from 1/27/2004 until 3/25/2004. (Cohen, Lawrence) (Entered: 01/27/2004)
02/23/2004	<u>41</u>	Judge Lawrence P. Cohen : ORDER entered CJA 20 as to Scott Fink : Appointment of Attorney Charles W. Rankin for Scott Fink. (Brown, Rex) (Entered: 02/23/2004)
02/24/2004		Notice of correction to docket made by Court staff. Correction: Docket # 41 corrected because: The docket entry contained incorrect judge associations as to Scott Fink (Brown, Rex) (Entered: 02/24/2004)
03/25/2004		electronic Clerk's Notes for proceedings held before Judge Lawrence P. Cohen :Status Conference as to JOHN MELO, GREGORY WARREN, Scott Fink, Kevin Briggs, Carla Paiva, Tanya Pinheiro held on 3/25/2004; John McDonald for John Melo; John McBride for Gregory Warren; Charles Rankin for Scott Fink; Syrie Fried for Kevin Briggs; Peter Krupp for Carla Paiva; John McDonald Standing in for Larry Perlmutter on behalf of Tanya Pinheiro; all defense counsel move for continuance; allowed subject to excludable time; Court Schedules all motion to be filed by 5/18/04; Final Status

		conference set for 5/25/04 at 2:00pm. (Court Reporter digital.) (Simeone, Maria) (Entered: 03/25/2004)
03/25/2004		Set final status conference as to JOHN MELO, GREGORY WARREN, Scott Fink, Kevin Briggs, Carla Paiva, Tanya Pinheiro : Final Status Conference set for 5/25/2004 02:00 PM in Courtroom 23 before Magistrate Judge Lawrence P. Cohen. (Simeone, Maria) (Entered: 03/25/2004)
03/25/2004	(42)	Judge Lawrence P. Cohen : ORDER entered REPORT AND ORDER on Initial Status Conference as to JOHN MELO, GREGORY WARREN, Scott Fink, Kevin Briggs, Carla Paiva, Tanya Pinheiro Motions due by 5/18/2004. Status Conference set for 5/25/2004 02:00 PM in Courtroom 23 before Magistrate Judge Lawrence P. Cohen. (Cohen, Lawrence) (Entered: 03/25/2004)
03/25/2004	(43)	Judge Lawrence P. Cohen : ORDER entered ORDER ON EXCLUDABLE DELAY as to JOHN MELO, GREGORY WARREN, Scott Fink, Kevin Briggs, Carla Paiva, Tanya Pinheiro Time excluded from 3/25/2004 until 5/25/2004. (Cohen, Lawrence) (Entered: 03/25/2004)
03/25/2004	(44)	Judge Lawrence P. Cohen : ORDER entered AMENDED REPORT AND ORDER on Initial Status Conference as to JOHN MELO, GREGORY WARREN, Scott Fink, Kevin Briggs, Carla Paiva, Tanya Pinheiro (Cohen, Lawrence) (Entered: 03/25/2004)
04/15/2004	(45)	MOTION Ex-Parte Relief as to Scott Fink . (Johnson, Jay) (Entered: 04/20/2004)
04/21/2004	(46)	Judge Lawrence P. Cohen : ORDER entered 45 Motion allowed in part and denied in part as to Scott Fink (3) (Cohen, Lawrence) (Entered: 04/21/2004)
05/21/2004	(48)	MOTION for Excludable Delay from 01/15/04 to 01/27/04 as to JOHN MELO, GREGORY WARREN, Scott Fink, Kevin Briggs, Carla Paiva, Tanya Pinheiro by USA. (Weinreb, William) (Entered: 05/21/2004)
05/24/2004	(49)	Memorandum regarding Final Status Conference as to JOHN MELO, GREGORY WARREN, Scott Fink, Kevin Briggs, Carla Paiva, Tanya Pinheiro (Weinreb, William) (Entered: 05/24/2004)
05/25/2004		electronic Clerk's Notes for proceedings held before Judge

		Lawrence P. Cohen :Initial Status Conference as to JOHN MELO, GREGORY WARREN, Scott Fink, Kevin Briggs, Carla Paiva, Tanya Pinheiro held on 5/25/2004; Defense counsel states status of the case as to each deft; govt and Defense state Gregory Warren and Tanya Pinheiro are ready to be reported back to the district Judge; Court schedules continued status conference with no objections to excludable time; Status Conference set for 7/21/2004 02:00 PM in Courtroom 23 before Judge Rya W. Zobel. (Court Reporter digital.) (Simeone, Maria) (Entered: 05/25/2004)
05/25/2004	51	Judge Lawrence P. Cohen : ORDER entered ORDER ON EXCLUDABLE DELAY as to JOHN MELO, Scott Fink, Kevin Briggs, Carla Paiva, Tanya Pinheiro Time excluded from 5/25/2004 until 7/21/2004. (Cohen, Lawrence) (Entered: 05/25/2004)
05/25/2004		Set/Reset Deadlines/Hearings as to JOHN MELO, Scott Fink, Kevin Briggs, Carla Paiva, Tanya Pinheiro : And and all motions due by 7/16/2004. Final Status Conference set for 7/21/2004 02:00 PM in Courtroom 23 before Magistrate Judge Lawrence P. Cohen. (Cohen, Lawrence) (Entered: 05/25/2004)
05/26/2004		Judge Lawrence P. Cohen : Electronic ORDER entered granting 48 Motion to Exclude as to JOHN MELO (1), GREGORY WARREN (2), Scott Fink (3), Kevin Briggs (4), Carla Paiva (5), Tanya Pinheiro (6) (Cohen, Lawrence) (Entered: 05/26/2004)
05/26/2004	53	Judge Lawrence P. Cohen : ORDER entered ORDER ON EXCLUDABLE DELAY as to JOHN MELO, GREGORY WARREN, Scott Fink, Kevin Briggs, Carla Paiva, Tanya Pinheiro Time excluded from 1/15/2004 until 1/27/2004. (Cohen, Lawrence) (Entered: 05/26/2004)
06/09/2004		NOTICE OF RESCHEDULING OF STATUS CONFERENCE as to JOHN MELO, Scott Fink, Kevin Briggs, Carla Paiva, Tanya Pinheiro PREVIOULSY SCHEDULED FOR JULY 21 @ 2:00PM HAS BEEN RESCHEDULED; Status Conference set for 8/3/2004 02:30 PM in Courtroom 23 before Magistrate Judge Lawrence P. Cohen. (Simeone, Maria) (Entered: 06/09/2004)
07/22/2004	59	SUPERSEDING INDICTMENT as to JOHN MELO (1) count (s) 1s, 3s, 4s, Scott Fink (3) count(s) 1s, 2s, Kevin Briggs (4) count(s) 1s, Carla Paiva (5) count(s) 1s, Tanya Pinheiro (6)

		count(s) 1s. (Gawlik, Cathy) (Entered: 07/23/2004)
07/23/2004		Judge Rya W. Zobel : ORDER entered ORDER REFERRING CASE to Magistrate Judge Lawrence P. Cohen Reason for referral: Pretrial proceedings re: Superseding Indictment as to JOHN MELO, Scott Fink, Kevin Briggs, Carla Paiva, Tanya Pinheiro (Gawlik, Cathy) (Entered: 07/23/2004)
08/03/2004		electronic Clerk's Notes for proceedings held before Judge Lawrence P. Cohen :Arraignment as to JOHN MELO (1) Count 1s,3s,4s and Scott Fink (3) Count 1s,2s and Carla Paiva (5) Count 1s held on 8/3/2004, Status Conference as to JOHN MELO, Scott Fink, Kevin Briggs, Carla Paiva, Tanya Pinheiro held on 8/3/2004;William Weinreb for govt; Not Guilty plea entered on behalf of John Melo in Mr. MacDonalds absence; Peter Krupp for Carla Paiva; Carla Paiva pleads not guilty;Charlie Rankin for Scott Fink; Scott Fink pleads not guilty; Syrie Freid for Kevin Briggs, files motion for continuance of arraignment; allowed in open court; Larry Perlmutter for Tanya Pinheiro not in attendance; Arraignment set for 8/11/2004 11:00 AM in Courtroom 23 before Magistrate Judge Lawrence P. Cohen for Kevin Briggs;. govt states status of case; court orders motions to be filed by 9/19/04; final Status Conference set for 9/23/2004 02:30 PM in Courtroom 23 before Magistrate Judge Lawrence P. Cohen. (Court Reporter digital.) (Simeone, Maria) (Entered: 08/03/2004)
08/04/2004	62	Judge Lawrence P. Cohen : ORDER entered ORDER ON EXCLUDABLE DELAY as to JOHN MELO, Scott Fink, Kevin Briggs, Carla Paiva, Tanya Pinheiro Time excluded from 8/3/2004 until 9/23/2004. (Cohen, Lawrence) (Entered: 08/04/2004)
08/04/2004		Set/Reset Deadlines/Hearings as to JOHN MELO, Scott Fink, Kevin Briggs, Carla Paiva, Tanya Pinheiro : Motions due by 9/17/2004. Status Conference set for 9/23/2004 02:30 PM in Courtroom 23 before Magistrate Judge Lawrence P. Cohen. (Cohen, Lawrence) (Entered: 08/04/2004)
09/23/2004		electronic Clerk's Notes for proceedings held before Judge Lawrence P. Cohen :Final Status Conference as to JOHN MELO, Scott Fink, Kevin Briggs, Carla Paiva, Tanya Pinheiro held on 9/23/2004 ; William Weinreb for Govt; Mr. McBride for Melo; Mr. Rankin for Fink; Ms. Freid for Briggs; Mr. Krupp for Paiva; Mr. Perlmutter for Pinheiro does not appear; Defense

		counsel Rankin files motions in open court; court orders motions stand for all parties and briefed due by 10/8/04; govt response due 10/22/04; hearing shortly to follow; all subject to excludable time. Motions due by 10/8/2004. (Court Reporter digital.) (Simeone, Maria) (Entered: 09/23/2004)
09/23/2004	<u>65</u>	Judge Lawrence P. Cohen : ORDER entered ORDER ON EXCLUDABLE DELAY as to JOHN MELO, GREGORY WARREN, Scott Fink, Kevin Briggs, Carla Paiva, Tanya Pinheiro Time excluded from 9/23/04 until 10/27/2004. (Cohen, Lawrence) (Entered: 09/23/2004)
09/23/2004		Judge Lawrence P. Cohen : electronic ORDER entered granting <u>66</u> Motion for Leave to File motion to dismiss as to JOHN MELO (1), Scott Fink (3), Kevin Briggs (4), Carla Paiva (5), Tanya Pinheiro (6) (Simeone, Maria) (Entered: 09/24/2004)
09/23/2004	<u>67</u>	MOTION to Dismiss the superseding indictment, or alternatively, strike surplusage from indictment.as to JOHN MELO, Scott Fink, Kevin Briggs, Carla Paiva, Tanya Pinheiro by Scott Fink. (Simeone, Maria) (Entered: 09/24/2004)
09/24/2004	<u>66</u>	MOTION for Leave to File herewith defts motion to dismiss superseding indictment, as to JOHN MELO, Scott Fink, Kevin Briggs, Carla Paiva, Tanya Pinheiro by Scott Fink. Filed in open court; motion stands for all parties.(Simeone, Maria) (Entered: 09/24/2004)
10/26/2004		PLEASE BE REMINDED OF THE FINAL STATUS CONFERENCE SCHEDULED FOR 10/27/04 AT 11:00AM BEFORE Mag. Judge Lawrence P. Cohen as to JOHN MELO, GREGORY WARREN, Scott Fink, Kevin Briggs, Carla Paiva, Tanya Pinheiro (Simeone, Maria) (Entered: 10/26/2004)
10/27/2004	<u>71</u>	Opposition by USA as to Scott Fink re <u>67</u> MOTION to Dismiss (Weinreb, William) (Entered: 10/27/2004)
10/27/2004		electronic Clerk's Notes for proceedings held before Judge Lawrence P. Cohen :Final Status Conference as to JOHN MELO, Scott Fink, Kevin Briggs, Carla Paiva, Tanya Pinheiro held on 10/27/2004; AUSA Weinreb; Rankin;Freid;Krupp present; Case to be reported up to the district judge for trial; estimated length of trial 4-6 weeks; (Court Reporter digital.) (Simeone, Maria) (Entered: 10/27/2004)
10/27/2004	<u>72</u>	Judge Lawrence P. Cohen : ORDER entered REPORT AND

		ORDER on Final Status Conference as to JOHN MELO, Scott Fink, Kevin Briggs, Carla Paiva, Tanya Pinheiro (Cohen, Lawrence) Modified on 10/27/2004 to reflect that the report related to a FINAL Status Report(Cohen, Lawrence). (Entered: 10/27/2004)
10/27/2004		Case as to JOHN MELO, GREGORY WARREN, Scott Fink, Kevin Briggs, Carla Paiva, Tanya Pinheiro no longer referred to Lawrence P. Cohen; Modified on 10/29/2004 (Johnson, Jay). (Entered: 10/27/2004)
11/01/2004		NOTICE OF HEARING as to JOHN MELO, GREGORY WARREN, Scott Fink, Kevin Briggs, Carla Paiva, Tanya Pinheiro Status Conference set for 11/18/2004 03:00 PM in Courtroom 12 before Judge Rya W. Zobel. (Urso, Lisa) (Entered: 11/01/2004)
11/08/2004		Judge Rya W. Zobel : endorsed ORDER entered denying <u>67</u> Motion to Dismiss as to Scott Fink (3), but this is not a ruling as to how the "Additional Factors" will be determined. (Urso, Lisa) (Entered: 11/08/2004)
11/10/2004		MOTION for Ex-Parte Relief as to Scott Fink . (Johnson, Jay) (Entered: 11/12/2004)
11/18/2004		NOTICE OF HEARING as to JOHN MELO, Scott Fink, Kevin Briggs, Carla Paiva Status Conference set for 12/14/2004 02:30 PM in Courtroom 12 before Judge Rya W. Zobel. (Urso, Lisa) (Entered: 11/18/2004)
11/18/2004		Judge Rya W. Zobel : endorsed ORDER entered granting [] Motion as to Scott Fink (3) (Urso, Lisa) (Entered: 11/19/2004)
12/14/2004		electronic Clerk's Notes for proceedings held before Judge Rya W. Zobel :Status Conference as to JOHN MELO, Scott Fink, Kevin Briggs, Carla Paiva held on 12/14/2004 Jury Trial set for 6/6/2005 09:00 AM in Courtroom 12 before Judge Rya W. Zobel. (Urso, Lisa) (Entered: 12/15/2004)
01/10/2005	79	TRANSCRIPT of Detention Hearing as to Scott Fink held on January 8, 2004 before Judge Cohen. Tape Transcribed by Maryann Young. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting Maryann Young at 508-384-2003 or the Clerk's Office. (Scalfani, Deborah) (Entered: 01/10/2005)
05/02/2005	83	INFORMATION TO ESTABLISH PRIOR CONVICTION as

		to Scott Fink (Weinreb, William) (Entered: 05/02/2005)
05/16/2005		NOTICE OF HEARING as to Scott Fink Change of Plea Hearing set for 5/25/2005 03:00 PM in Courtroom 12 before Judge Rya W. Zobel. (Urso, Lisa) (Entered: 05/16/2005)
05/25/2005		Electronic Clerk's Notes for proceedings held before Judge Rya W. Zobel :Change of Plea Hearing as to JOHN MELO, Scott Fink held on 5/25/2005, Plea entered by JOHN MELO (1) Guilty Count 1 and Scott Fink (3) Guilty Count 1. Sentencing set for 9/13/2005 02:00 PM in Courtroom 12 before Judge Rya W. Zobel. (Court Reporter Catherine Handel.) (Urso, Lisa) (Entered: 05/26/2005)
05/26/2005	85	Judge Rya W. Zobel : OrderORDER entered. PROCEDURAL ORDER re sentencing hearing as to Scott Fink Sentencing set for 9/13/2005 02:00 PM in Courtroom 12 before Judge Rya W. Zobel. (Urso, Lisa) (Entered: 05/26/2005)
07/14/2005		NOTICE OF RESCHEDULING as to JOHN MELO, Scott Fink, Kevin Briggs, Carla Paiva Sentencing reset for 9/14/2005 02:00 PM in Courtroom 12 before Judge Rya W. Zobel. (Urso, Lisa) (Entered: 07/14/2005)
08/03/2005	92	MOTION for Ex-Parte Relief as to Scott Fink. (Johnson, Jay) (Entered: 08/04/2005)
08/08/2005		Judge Rya W. Zobel : endorsedORDER entered granting 92 Motion as to Scott Fink (3) (Urso, Lisa) (Entered: 08/08/2005)
09/06/2005	95	MOTION to Continue <i>Sentencing Hearing</i> as to Scott Fink. (Rankin, Charles) (Entered: 09/06/2005)
09/06/2005	96	Ex-Parte MOTION for Authorization of Services or Funds as to Scott Fink. (Johnson, Jay) (Entered: 09/07/2005)
09/08/2005		Judge Rya W. Zobel : endorsedORDER entered granting 95 Motion to Continue as to Scott Fink (3). Sentencing rescheduled to 11/16/05 at 2:00 p.m. (Urso, Lisa) (Entered: 09/08/2005)
09/09/2005		Judge Rya W. Zobel : endorsedORDER entered granting 96 Motion for Authorization of Services or Funds as to Scott Fink (3) (Urso, Lisa) (Entered: 09/09/2005)
10/25/2005	101	NOTICE of Change of Address of Counsel by Scott Fink (Rankin, Charles) (Entered: 10/25/2005)
10/28/2005	102	MOTION for Order <i>Directing Marshals to Make Defendant</i>

		<i>Available to Bristol County Sheriffs Dept. on November 4, 2005 for Hearing in Fall River District Court as to Scott Fink. (Rankin, Charles) (Entered: 10/28/2005)</i>
10/31/2005		Judge Rya W. Zobel : endorsed ORDER entered granting <u>102</u> Motion for Order as to Scott Fink (3). Allowed and so ordered. (Urso, Lisa) (Entered: 11/01/2005)
11/10/2005	<u>104</u>	MOTION for Order <i>Directing Marshals to Make Defendant Available to Bristol County Sheriff's Department on November 21, 2005 for Hearing in Fall River District Court</i> as to Scott Fink. (Rankin, Charles) (Entered: 11/10/2005)
11/10/2005	<u>105</u>	MOTION to Continue <i>Sentencing Hearing</i> as to Scott Fink. (Rankin, Charles) (Entered: 11/10/2005)
11/10/2005	<u>106</u>	RESPONSE to Motion by USA as to Scott Fink re <u>104</u> MOTION for Order <i>Directing Marshals to Make Defendant Available to Bristol County Sheriff's Department on November 21, 2005 for Hearing in Fall River District Court</i> (Attachments: # <u>1</u> Exhibit USMS Requirements Regarding State Habeas Corpus Requests for Federal Prisoners)(Weinreb, William) (Entered: 11/10/2005)
11/15/2005		Judge Rya W. Zobel : Electronic ORDER entered granting <u>105</u> Motion to Continue as to Scott Fink (3) Sentencing reset for 12/8/2005 03:00 PM in Courtroom 12 before Judge Rya W. Zobel. (Urso, Lisa) (Entered: 11/15/2005)
11/15/2005		Judge Rya W. Zobel : Electronic ORDER entered granting <u>104</u> Motion for Order to make Scott Fink (3) available to the Bristol County Sheriff's Dept. for a hearing on 11/21/05 in Fall River. (Urso, Lisa) (Entered: 11/15/2005)
11/15/2005	<u>108</u>	PROPOSED ORDER(S) submitted by Scott Fink (Rankin, Charles) (Entered: 11/15/2005)
12/07/2005	<u>117</u>	MOTION to Continue <i>December 8 Sentencing Hearing</i> as to Scott Fink. (Rankin, Charles) (Entered: 12/07/2005)
12/07/2005	<u>118</u>	WITHDRAWAL of Motion by Scott Fink re <u>117</u> MOTION to Continue <i>December 8 Sentencing Hearing</i> filed by Scott Fink, (Rankin, Charles) (Entered: 12/07/2005)
12/08/2005		ElectronicClerk's Notes for proceedings held before Judge Rya W. Zobel :Sentencing as to Scott Fink held on 12/8/2005; continued until 12/19/05 to look into a previous conviction;

		(Court Reporter Catherine Handel.) (Urso, Lisa) (Entered: 12/22/2005)
12/08/2005		Terminated defendant Scott Fink, pending deadlines, and motions. (Hurley, Virginia) (Entered: 03/31/2008)
12/15/2005	<u>122</u>	SENTENCING MEMORANDUM by USA as to Scott Fink (Attachments: # <u>1</u> Documents from docket file in Commonwealth v. Scott Fink, 9932-CR-0563)(Weinreb, William) (Entered: 12/15/2005)
12/19/2005	<u>123</u>	SENTENCING MEMORANDUM by Scott Fink (Rankin, Charles) (Entered: 12/19/2005)
12/19/2005	<u>124</u>	Reply Memorandum regarding Scott Fink's Sentencing Memorandum as to Scott Fink (Weinreb, William) Modified on 12/20/2005 (Johnson, Jay). (Entered: 12/19/2005)
12/19/2005		ElectronicClerk's Notes for proceedings held before Judge Rya W. Zobel :Sentencing held on 12/19/2005 for Scott Fink (3), Count(s) 1, The defendant was sentenced to 120 months BOP; 10 years SR;Standard Conditions apply; DNA sample; drug counseling & testing; mental health; Recommendation: mental health evaluation; 500 Hour Drug Treatment program; 100.00 SA;; Count(s) 1s, 2s, DISPOSED. (Court Reporter Catherine Handel.) (Urso, Lisa) (Entered: 12/19/2005)
12/20/2005	<u>125</u>	Judge Rya W. Zobel : ORDER entered. JUDGMENT as to Scott Fink (3), Count(s) 1, The defendant was sentenced to 120 months BOP; 10 years SR;Standard Conditions apply; DNA sample; drug counseling & testing; mental health; Recommendation: mental health evaluation; 500 Hour Drug Treatment program; 100.00 SA;; Count(s) 1s, 2s, DISPOSED (Urso, Lisa) (Entered: 12/23/2005)
01/17/2006	<u>129</u>	NOTICE OF APPEAL by USA re <u>125</u> Judgment,. Filing fee \$ 255. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 2/6/2006. (Rec'd for filing 2/15/06)(Johnson, Jay) Modified on 2/28/2006 (Johnson, Jay). (Entered: 02/15/2006)
02/14/2006	<u>127</u>	TRANSCRIPT of Sentencing Hearing as to Scott Fink held on

		December 19, 2005 before Judge Zobel. Court Reporter: Catherine A. Handel. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/261-0555 or the Clerk's Office. (Scalfani, Deborah) (Entered: 02/14/2006)
02/14/2006	<u>128</u>	TRANSCRIPT of Sentencing Hearing as to Scott Fink held on December 8, 2005 before Judge Zobel. Court Reporter: Catherine A. Handel. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/261-0555 or the Clerk's Office. (Scalfani, Deborah) (Entered: 02/14/2006)
02/15/2006	<u>130</u>	MOTION for Leave to Proceed In Forma Pauperis as to Scott Fink. (Rankin, Charles) (Entered: 02/15/2006)
02/15/2006	<u>131</u>	MOTION for transcripts at government expense as to Scott Fink. (Rankin, Charles) (Entered: 02/15/2006)
02/15/2006	<u>132</u>	MOTION for Extension of Time to February 27, 2006 to File file Notice of Appeal as to Scott Fink. (Attachments: # <u>1</u> Exhibit NEF and Docket Entry 129)(Rankin, Charles) (Entered: 02/15/2006)
02/15/2006	<u>133</u>	NOTICE OF APPEAL by Scott Fink re <u>125</u> Judgment,. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 3/7/2006. (Rankin, Charles) (Entered: 02/15/2006)
02/16/2006	<u>134</u>	Certified and Transmitted Record on Appeal as to Scott Fink to US Court of Appeals re <u>129</u> Notice of Appeal, (Attachments: # <u>1</u>)(Ramos, Jeanette) (Entered: 02/16/2006)
02/23/2006	<u>135</u>	Certified and Transmitted Record on Appeal as to Scott Fink to US Court of Appeals re <u>133</u> Notice of Appeal, NOA #133 (Ramos, Jeanette) (Entered: 02/23/2006)
02/27/2006		Judge Rya W. Zobel : EndorsedORDER entered granting <u>130</u> Motion to Proceed In Forma Pauperis as to Scott Fink (3); granting <u>131</u> Motion for Transcript at Government Expense as to Scott Fink (3); granting <u>132</u> Motion for Extension of Time as to Scott Fink (3) (Urso, Lisa) (Entered: 02/27/2006)

02/27/2006	<u>136</u>	NOTICE OF APPEAL by Scott Fink re <u>125</u> Judgment,. Filing fee \$ 255. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 3/20/2006. (Urso, Lisa) Additional attachment(s) added on 2/27/2006 (Urso, Lisa). (Entered: 02/27/2006)
02/27/2006	<u>137</u>	USCA Case Number as to Scott Fink 06-1313 for <u>133</u> Notice of Appeal, filed by Scott Fink,. (Ramos, Jeanette) Additional attachment(s) added on 3/1/2006 (Ramos, Jeanette). Modified on 3/1/2006 (Ramos, Jeanette). (Entered: 02/27/2006)
02/27/2006	<u>138</u>	TRANSCRIPT of Rule 11 Hearing as to JOHN MELO, Scott Fink, Kevin Briggs, Carla Paiva held on May 25, 2005 before Judge Zobel. Court Reporter: Catherine A. Handel. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/261-0555 or the Clerk's Office. (Scalfani, Deborah) (Entered: 02/28/2006)
02/28/2006	<u>140</u>	Judgment Returned Executed as to Scott Fink on 2/21/06. (Johnson, Jay) (Entered: 03/01/2006)
03/01/2006	<u>139</u>	Transmitted Supplemental Record on Appeal as to Scott Fink re <u>129</u> Notice of Appeal, <u>133</u> Notice of Appeal, Documents included: 138 (Ramos, Jeanette) (Entered: 03/01/2006)
03/01/2006	<u>141</u>	USCA Case Number as to Scott Fink 06-1346 for <u>129</u> Notice of Appeal, filed by USA,, Scott Fink,. (Ramos, Jeanette) Modified on 4/7/2006 (Ramos, Jeanette). (Entered: 03/01/2006)
03/02/2006	<u>142</u>	NOTICE OF ATTORNEY APPEARANCE Jennifer Hay Zacks appearing for USA. (Zacks, Jennifer) (Entered: 03/02/2006)
03/02/2006	<u>143</u>	Certified and Transmitted Record on Appeal as to Scott Fink to US Court of Appeals re <u>136</u> Notice of Appeal, (Ramos, Jeanette) (Entered: 03/03/2006)
03/03/2006		Attorney update in case as to JOHN MELO, GREGORY WARREN, Scott Fink, Kevin Briggs, Carla Paiva, Tanya Pinheiro. Attorney Jennifer Hay Zacks for USA added. (Johnson, Jay) (Entered: 03/03/2006)
03/08/2006	<u>144</u>	USCA Case Number as to Scott Fink 06-1379 for <u>136</u> Notice of Appeal, filed by Scott Fink,. (Gawlik, Cathy) (Entered: 03/08/2006)

		03/08/2006)
03/16/2006	<u>145</u>	Transmitted Supplemental Record on Appeal as to Scott Fink re <u>129</u> Notice of Appeal, <u>136</u> Notice of Appeal, <u>133</u> Notice of Appeal, Documents included: 130-132 (Ramos, Jeanette) (Entered: 03/16/2006)
03/21/2006	<u>148</u>	TRANSCRIPT of Sentencing as to JOHN MELO, Scott Fink, Kevin Briggs, Carla Paiva, Tanya Pinheiro held on November 16, 2005 before Judge Zobel. Court Reporter: Catherine A. Handel. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/261-0555 or the Clerk's Office. (Scalfani, Deborah) (Entered: 03/21/2006)
03/21/2006	<u>149</u>	Transmitted Supplemental Record on Appeal as to Scott Fink re <u>136</u> Notice of Appeal, Documents included: 146-148 (Scalfani, Deborah) (Entered: 03/21/2006)
04/03/2006		TRANSCRIPT ORDER ACKNOWLEDGMENT FORM received from USCA and addressed to Richard H. Romanow as to Scott Fink' Transcript order form filed in USCA on 3/9/06. Transcript due by 6/2/2006. Transcripts Ordered: 12/9/04 Change of Plea (Defendant Pinheiro) and 10/28/04 Sentencing (Defendant Warren)(Scalfani, Deborah) (Entered: 04/06/2006)
04/07/2006	<u>156</u>	MANDATE of USCA (certified copy) as to Scott Fink re <u>136</u> Notice of Appeal. Upon consideration of appellant's unopposed motion, it is hereby ordered that this appeal be voluntarily dismissed pursuant to Fed. R. App. P. 42(b). Defendant's appeal shall proceed under No. 06-1313. (Ramos, Jeanette) (Entered: 04/07/2006)
05/15/2006	<u>162</u>	TRANSCRIPT of Change of Plea as to Tanya Pinheiro held on December 9, 2004 before Judge Zobel. Court Reporter: Richard H. Romanow. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/737-0370 or the Clerk's Office. (Scalfani, Deborah) (Entered: 05/15/2006)
05/15/2006	<u>163</u>	TRANSCRIPT of Sentencing as to GREGORY WARREN held on October 28, 2004 before Judge Zobel. Court Reporter: Richard H. Romanow. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/737-0370 or the Clerk's Office. (Scalfani, Deborah) (Entered: 05/15/2006)

05/15/2006	<u>164</u>	Transmitted Supplemental Record on Appeal as to Scott Fink re <u>129</u> Notice of Appeal,, <u>133</u> Notice of Appeal, Documents included: 162, 163 (Scalfani, Deborah) (Entered: 05/15/2006)
10/30/2006	<u>167</u>	Arrest Warrant Returned Executed on 1/7/04. as to Scott Fink. (Johnson, Jay) (Entered: 10/30/2006)
08/17/2007	<u>170</u>	JUDGMENT of USCA (certified copy) as to Scott Fink re <u>133</u> Notice of Appeal, <u>129</u> Notice of Appeal. This cause came on to be heard on appeal from the United States District Court for the District of Massachusetts and was argued by counsel. Upon consideration whereof, it is now here ordered, adjudged and decreed as follows: The district court's ruling that Scott Fink's 2002 conviction is an adequate 21 U.S.C. 841(b)(1)(B) sentence enhancement predicate is affirmed. The district court's denial of a continuance so that the government could clarify the continuing force of the February 1999 conviction for consideration in the context of an analysis of Scott Fink's career offender status is reversed. The case is remanded for further proceedings consistent with the opinion issued this day. Judgment issued in the USCA 8/16/2007 (Ramos, Jeanette) (Entered: 08/17/2007)
08/17/2007	<u>171</u>	OPINION of USCA as to Scott Fink re <u>133</u> Notice of Appeal, <u>129</u> Notice of Appeal, (Ramos, Jeanette) (Entered: 08/17/2007)
09/18/2007	<u>172</u>	MANDATE of USCA (certified copy) as to Scott Fink re <u>129</u> Notice of Appeal, <u>133</u> Notice of Appeal. Mandate issued in the USCA 9/17/2007 (Ramos, Jeanette) (Entered: 09/18/2007)
09/24/2007		Appeal Record Returned as to Scott Fink: (Ramos, Jeanette) (Entered: 09/24/2007)
09/24/2007		ELECTRONIC NOTICE OF HEARING as to Scott Fink Status Conference set for 10/9/2007 03:00 PM in Courtroom 12 before Judge Rya W. Zobel. (Urso, Lisa) (Entered: 09/24/2007)
09/27/2007	<u>173</u>	MOTION to Continue <i>Status Conference</i> as to Scott Fink. (Rankin, Charles) (Entered: 09/27/2007)
10/01/2007		Judge Rya W. Zobel : Electronic ORDER entered granting <u>173</u> Motion to Continue as to Scott Fink (3)Status Conference reset for 10/24/2007 03:00 PM in Courtroom 12 before Judge Rya W. Zobel. (Urso, Lisa) (Entered: 10/01/2007)
10/24/2007		Electronic Clerk Notes for proceedings held before Judge Rya W. Zobel : Status Conference as to Scott Fink held on

		10/24/2007. If the speedy trial comes into effect; defendant waives it; Government to file a status report after the hearing on 10/26/07; and defendant to file a status report on or before 12/6 to see if they are going to file a sur petition; (Court Reporter Catherine Handel.) (Urso, Lisa) (Entered: 10/24/2007)
10/31/2007	<u>174</u>	STATUS REPORT <i>on Prior Conviction</i> by USA as to Scott Fink (Attachments: # 1 Commonwealth's Motion to Correct the Docket# 2 Docket Sheet in Case No. 9932-CR-0563)(Weinreb, William) (Entered: 10/31/2007)
12/10/2007	<u>176</u>	STATUS REPORT <i>Regarding Certiorari Petition Filed By Scott Fink</i> by USA as to Scott Fink (Rankin, Charles) (Entered: 12/10/2007)
12/19/2007		Judge Judge Rya W. Zobel: ELECTRONIC ENDORSEMENT as to Scott Fink re <u>174</u> Status Report filed by USA, <u>176</u> Status Report filed by USA BOTH NOTED.(Urso, Lisa) (Entered: 12/20/2007)
01/31/2008	<u>177</u>	STATUS REPORT <i>By Scott Fink</i> by USA as to Scott Fink (Rankin, Charles) (Entered: 01/31/2008)
02/04/2008		Judge Judge Rya W. Zobel: ELECTRONIC ENDORSEMENT as to Scott Fink re <u>177</u> Status Report filed by USA. NOTED (Urso, Lisa) (Entered: 02/05/2008)
04/07/2008	<u>178</u>	STATUS REPORT by Scott Fink (Rankin, Charles) (Entered: 04/07/2008)
04/14/2008	<u>179</u>	STATUS REPORT by Scott Fink (Rankin, Charles) (Entered: 04/14/2008)
04/30/2008	<u>180</u>	Writ Issued in case as to Scott Fink (Urso, Lisa) (Entered: 04/30/2008)
04/30/2008		ELECTRONIC NOTICE OF HEARING as to Scott Fink RE-Sentencing set for 5/22/2008 03:00 PM in Courtroom 12 before Judge Rya W. Zobel. (Urso, Lisa) (Entered: 04/30/2008)
05/22/2008	<u>181</u>	SENTENCING MEMORANDUM by Scott Fink (Rankin, Charles) (Entered: 05/22/2008)
05/22/2008		Electronic Clerk Notes for proceedings held before Judge Rya W. Zobel: Sentencing held on 5/22/2008 for Scott Fink (3), Count(s) 1, The defendant was sentenced to 120 months BOP; 8 years SR;Standard Conditions apply; DNA sample; drug counseling & testing; mental health; Recommendation: mental

		health evaluation; 500 Hour Drug Treatment program; 100.00 SA;; Count(s) 1s, 2s, DISPOSED.. (Court Reporter Catherine Handel.)(Attorneys present: Weinreb & Rankin) (Urso, Lisa) (Entered: 05/29/2008)
05/30/2008	<u>182</u>	Judge Rya W. Zobel: ORDER entered. AMENDED JUDGMENT as to Scott Fink (3), Count(s) 1, The defendant was sentenced to 120 months BOP; 8 years SR;Standard Conditions apply; DNA sample; drug counseling & testing; mental health; Recommendation: mental health evaluation; 500 Hour Drug Treatment program; 100.00 SA;; Count(s) 1s, 2s, DISPOSED (Urso, Lisa) (Entered: 06/02/2008)
07/01/2008	<u>183</u>	NOTICE OF APPEAL by USA as to Scott Fink re <u>182</u> Amended Judgment,. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 7/21/2008. (Johnson, Jay) (Entered: 07/07/2008)
07/08/2008	<u>184</u>	NOTICE OF APPEAL by Scott Fink re <u>182</u> Amended Judgment, NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 7/28/2008. (Rankin, Charles) (Entered: 07/08/2008)
07/08/2008	<u>185</u>	MOTION for Leave to Appeal In Forma Pauperis as to Scott Fink. (Rankin, Charles) Modified on 7/9/2008 (Johnson, Jay). (Entered: 07/08/2008)
07/08/2008	<u>186</u>	MOTION for transcripts at government expense as to Scott Fink. (Attachments: # <u>1</u> Text of Proposed Order Form CJA 24) (Rankin, Charles) (Entered: 07/08/2008)
07/10/2008		Judge Rya W. Zobel: endorsedORDER entered granting <u>185</u> Motion for Leave to Appeal In Forma Pauperis as to Scott Fink (3); granting <u>186</u> Motion for Transcript at Government Expense as to Scott Fink (3) (Urso, Lisa) (Entered: 07/10/2008)